# BEFORE THE MEDICAL BOARD OF CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

In the Matter of the Accusation Against:	) )
Vergil D. Sisson, M.D.	Case No. 800-2016-026235
Physician's and Surgeon's Certificate No. C27156	
Respondent	

#### **DECISION**

The attached Stipulated Surrender of License and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on September 25, 2017.

IT IS SO ORDERED September 18, 2017.

MEDICAL BOARD OF CALIFORNIA

Kimberly Kirchmeyer

**Executive Director** 

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1	XAVIER BECERRA		
2	Attorney General of California MATTHEW M. DAVIS		
3	Supervising Deputy Attorney General GIOVANNI F. MEJIA		
4	Deputy Attorney General State Bar No. 125345		
5	600 West Broadway, Suite 1800 San Diego, CA 92101		
6	P.O. Box 85266 San Diego, CA 92186-5266		
7	Telephone: (619) 738-9449 Facsimile: (619) 645-2061		
8	Attorneys for Complainant		
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10	BEFORE THE		
11	MEDICAL BOARD DEPARTMENT OF CO STATE OF C	ONSUMER AFFAIRS	
12			
13	In the Matter of the Accusation Against:	Case No. 800-2016-026235	
14	VERGIL D. SISSON, M.D. 330 North D Street, Suite 300	OAH Case No.	
15	San Bernardino, CA 92401	STIPULATED SURRENDER OF LICENSE AND DISCIPLINARY ORDER	
16	Physician's and Surgeon's Certificate No. C 27156,		
17	Respondent.		
18			
19	IT IS HEREBY STIPULATED AND AGR	EED by and between the parties to the above-	
20	entitled proceedings that the following matters are	e true:	
21	PART	TIES	
22	1. Kimberly Kirchmeyer (Complainant)	is the Executive Director of the Medical Board	
23	of California (Board). She brought this action solely in her official capacity and is represented in		
24	this matter by Xavier Becerra, Attorney General of the State of California, by Giovanni F. Mejia		
25	Deputy Attorney General.		
26	2. Vergil D. Sisson, M.D. (Respondent)	has elected to represent himself in the above-	
27	captioned matter and has chosen not to exercise h	is right to be represented by counsel.	
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3. David L. Sisson (attorney-in-fact), pursuant to a Power of Attorney executed on or about June 6, 2015, has been designated by Respondent to have the full power and authority to act on Respondent's behalf including, but not limited to, the authority to "[p]repare, sign, and file documents with any governmental body or agency...." A true and correct copy of the Power of Attorney is attached hereto as Exhibit A.

4. On or about June 16, 1965, the Medical Board of California issued Physician's and Surgeon's Certificate No. C 27156 to Respondent. Physician's and Surgeon's Certificate No. C 27156 was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2016-026235 and will expire on December 31, 2018, unless renewed.

#### **JURISDICTION**

5. On September 6, 2017, Accusation No. 800-2016-026235 was filed before the Board and is currently pending against Respondent. A true and correct copy of the Accusation and all other statutorily required documents were properly served on Respondent on September 6, 2017 at his address of record on file with the Board, which was and is 330 North D Street, Suite 300, San Bernardino, CA 92401. A true and correct copy of Accusation No. 800-2016-026235 is attached as Exhibit B and incorporated by reference.

#### **ADVISEMENT AND WAIVERS**

- 6. Respondent and his attorney-in-fact have carefully read, and understand the charges and allegations in Accusation No. 800-2016-026235. Respondent and his attorney-in-fact also have carefully read, and understand the effects of this Stipulated Surrender of License and Disciplinary Order.
- 7. Respondent and his attorney-in-fact are fully aware of Respondent's legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at Respondent's own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

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8. Respondent and his attorney-in-fact voluntarily, knowingly, and intelligently waive and give up each and every right set forth above.

#### **CULPABILITY**

- 9. Respondent and his attorney-in-fact admit the truth of each and every charge and allegation in Accusation No. 800-2016-026235, agree that a cause of action under Section 822 of the Business and Professions Code exists, and hereby surrender Respondent's Physician's and Surgeon's Certificate No. C 27156 for the Board's formal acceptance.
- 10. Respondent and his attorney-in-fact understand that by signing this stipulation they enable the Executive Director on behalf of the Board to issue an order accepting the surrender of Respondent's Physician's and Surgeon's Certificate on behalf of the Board without further process.

#### **CONTINGENCY**

- 11. Business and Professions Code section 2224, subdivision (b), provides, in pertinent part, that the Medical Board "shall delegate to its executive director the authority to adopt a . . . stipulation for surrender of a license."
- 12. This Stipulated Surrender of License and Disciplinary Order shall be subject to approval by the Executive Director on behalf of the Medical Board. The parties agree that this Stipulated Surrender of License and Disciplinary Order shall be submitted to the Executive Director for her consideration in the above-entitled matter and, further, that the Executive Director shall have a reasonable period of time in which to consider and act on this Stipulated Surrender of License and Disciplinary Order after receiving it. By signing this stipulation, Respondent and his attorney-in-fact fully understand and agree that Respondent or his attorney-in-fact, or both, may not withdraw their agreement or seek to rescind this stipulation prior to the time the Executive Director, on behalf of the Medical Board, considers and acts upon it.
- 13. The parties agree that this Stipulated Surrender of License and Disciplinary Order shall be null and void and not binding upon the parties unless approved and adopted by the Executive Director on behalf of the Board, except for this paragraph, which shall remain in full force and effect. Respondent and his attorney-in-fact fully understand and agree that in deciding

whether or not to approve and adopt this Stipulated Surrender of License and Disciplinary Order, the Executive Director and/or the Board may receive oral and written communications from its staff and/or the Attorney General's Office. Communications pursuant to this paragraph shall not disqualify the Executive Director, the Board, any member thereof, and/or any other person from future participation in this or any other matter affecting or involving Respondent. In the event that the Executive Director on behalf of the Board does not, in her discretion, approve and adopt this Stipulated Surrender of License and Disciplinary Order, with the exception of this paragraph, it shall not become effective, shall be of no evidentiary value whatsoever, and shall not be relied upon or introduced in any disciplinary action by either party hereto. Respondent and his attorney-in-fact further agree that should this Stipulated Surrender of License and Disciplinary Order be rejected for any reason by the Executive Director on behalf of the Board, Respondent or his attorney-in-fact, or both, will assert no claim that the Executive Director, the Board, or any member thereof, was prejudiced by its/his/her review, discussion and/or consideration of this Stipulated Surrender of License and Disciplinary Order or of any matter or matters related hereto.

#### **ADDITIONAL PROVISIONS**

- 14. This Stipulated Surrender of License and Disciplinary Order is intended by the parties herein to be an integrated writing representing the complete, final and exclusive embodiment of the agreements of the parties in the above-entitled matter.
- 15. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Surrender of License and Disciplinary Order, including Portable Document Format (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.
- 16. In consideration of the foregoing admissions and stipulations, the parties agree the Executive Director of the Medical Board may, without further notice to or opportunity to be heard by Respondent, issue and enter the following Order on behalf of the Board:

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#### <u>ORDER</u>

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. C 27156, issued to Respondent Vergil D. Sisson, M.D., is surrendered and accepted by the Executive Director on behalf of the Medical Board of California.

- 1. Respondent shall lose all rights and privileges as a physician and surgeon in California as of the effective date of the Board's Decision and Order.
- 2. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.
- 3. With respect to the action that has been taken herein pursuant to California Business and Professions Code section 822, any future reinstatement of Respondent's Physician's and Surgeon's Certificate No. C 27156 shall be governed by the procedures contained in Article 12.5 of Chapter 1 of Division 2 of the California Business and Professions Code. (Bus. & Prof. Code § 823.)
- 4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 800-2016-026235 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.
- 5. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 800-2016-026235 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

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#### **ACCEPTANCE**

I have carefully read the Stipulated Surrender of License and Disciplinary Order. I
understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate.
I enter into this Stipulated Surrender of License and Disciplinary Order voluntarily, knowingly,
and intelligently, and agree to be bound by the Decision and Order of the Medical Board of
California.

DATED:	- Lept Join	VERGIL D. SISSON, M.D.
	ų i	VERGIL Ø. SISSON, M.D.
		Respondent
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I, as attorney-in-fact for Respondent Vergil D. Sisson, M.D., have carefully read the above Stipulated Surrender of License and Disciplinary Order. I understand the stipulation and the effect it will have on Respondent Vergil D. Sisson, M.D.'s Physician's and Surgeon's Certificate No. C 27156. I enter into this Stipulated Surrender of License and Disciplinary Order, along with Respondent Vergil D. Sisson, M.D., voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 7 September 2017
DAVID L. SISSON
Attorney-in-fact

#### **ENDORSEMENT**

The foregoing Stipulated Surrender of License and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California of the Department of Consumer Affairs.

Dated: Sep. 8, 2017

Respectfully submitted,

XAVIER BECERRA Attorney General of California MATTHEW M. DAVIS Supervising Deputy Attorney General

GIOVANNI F. MEJIA
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Power of Attorney

ADVICE. THIS DOCUMENT DOES NOT AUTHORIZE ANYONE TO MAKE MEDICAL AND OTHER HEALTHCARE DECISIONS FOR YOU. YOU MAY REVOKE THIS POWER OF ATTORNEY IF YOU LATER WISH TO DO SO.

I, V. Duane Sisson M.D., residing at 3850 E. Atlantic Ave. #247, Highland, California 92346, hereby appoint David L. Sisson of 6715 Barnard Ave., Highland, California 92346, as my attorney-in-fact ("Agent") to exercise the powers and discretions described below.

This Power of Attorney shall not be affected by my subsequent incapacity.

I hereby revoke any and all general powers of attorney and special powers of attorney that previously have been signed by me. However, the preceding sentence shall not have the effect of revoking any powers of attorney that are directly related to my health care that previously have been signed by me.

My Agent shall have full power and authority to act on my behalf. This power and authority shall authorize my Agent to manage and conduct all of my affairs and to exercise all of my legal rights and powers, including all rights and powers that I may acquire in the future. My Agent's powers shall include, but not be limited to, the power to:

- 1. Open, maintain or close bank accounts (including, but not limited to, checking accounts, savings accounts, and certificates of deposit), brokerage accounts, retirement plan accounts, and other similar accounts with financial institutions.
  - a. Conduct any business with any banking or financial institution with respect to any of my accounts, including, but not limited to, making deposits and withdrawals, negotiating or endorsing any checks or other instruments with respect to any such accounts, obtaining bank statements, passbooks, drafts, money orders, warrants, and certificates or vouchers payable to me by any person, firm, corporation or political entity.
  - b. Add, delete or change beneficiaries to any financial accounts I own including insurance policies, annuities, retirement accounts, payable on death savings or checking accounts or other investments.
  - c. Perform any act necessary to deposit, negotiate, sell or transfer any note, security, or draft of the United States of America, including U.S. Treasury Securities.
  - d. Have access to any safe deposit box that I might own, including its contents.
- 2. Provide for the support and protection of myself, my spouse, or of any minor child I have a duty to support or have established a pattern of prior support, including, without limitation, provision for food, lodging, housing, medical services, recreation and travel;
- 3. Sell, exchange, buy, invest, or reinvest any assets or property owned by me. Such assets or property may include income producing or non-income producing assets and property.

- 4. Take any and all legal steps necessary to collect any amount or debt owed to me, or to settle any claim, whether made against me or asserted on my behalf against any other person or entity.
- 5. Enter into binding contracts on my behalf.
- 6. Maintain and/or operate any business that I may own.
- 7. Employ professional and business assistance as may be appropriate, including attorneys, accountants, and real estate Agents.
- 8. Sell, convey, lease, mortgage, manage, insure, improve, repair, or perform any other act with respect to any of my property (now owned or later acquired) including, but not limited to, real estate and real estate rights (including the right to remove tenants and to recover possession). This includes the right to sell or encumber any homestead that I now own or may own in the future.
- 9. Prepare, sign, and file documents with any governmental body or agency, including, but not limited to, authorization to:
  - a. Prepare, sign and file income and other tax returns with federal, state, local, and other governmental bodies.
  - b. Obtain information or documents from any government or its agencies, and represent me in all tax matters, including the authority to negotiate, compromise, or settle any matter with such government or agency.
  - c. Prepare applications, provide information, and perform any other act reasonably requested by any government or its agencies in connection with governmental benefits (including medical, military and social security benefits), and to appoint anyone, including my Agent, to act as my "Representative Payee" for the purpose of receiving Social Security benefits.
- 10. Make gifts from my assets to members of my family, including to the Agent, and to such other persons or charitable organizations with whom I have an established pattern of giving (or if it is appropriate to make such gifts for estate planning, long-term care planning and/or tax purposes), to file state and federal gift tax returns, and to file a tax election to split gifts with my spouse, if any. No Agent acting under this instrument, except as specifically authorized in this instrument, shall have the power or authority to (a) gift, appoint, assign or designate any of my assets, interests or rights, directly or indirectly, to such Agent, such Agent's estate, such Agent's creditors, or the creditors of such Agent's estate, (b) exercise any powers of appointment I may hold in favor of such Agent, such Agent's estate, such Agent's creditors, or the creditors of such Agent, such Agent's estate, such Agent's creditors, or the creditors of such Agent, such Agent's estate, such Agent's creditors, or the creditors of such Agent, such Agent's estate to discharge any of such Agent's legal obligations, including any obligations of support which such Agent may owe to others, excluding those whom I am legally obligated to support.

- 11. To transfer any of my assets to the trustee of any revocable trust created by me, if such trust is in existence at the time of such transfer.
- 12. To utilize my assets to fund a trust not created by me, but to which I have either established a pattern of funding, or to fund a trust created by my Agent for my benefit or the benefit of my dependents, heirs or devisees upon the advice of a financial adviser.
- 13. To create, sign, modify or revoke any trust agreements or other trust documents in an attempt to manage or create a trust that was created for my benefit or the benefit of my dependants, heirs or devisees. This shall include the creation, modification or revocation of any inter vivos, family living, irrevocable or revocable trusts.
- 14. Have access to my healthcare and medical records and statements regarding billing, insurance and payments.

This Power of Attorney shall be construed broadly as a General Power of Attorney. The listing of specific powers is not intended to limit or restrict the general powers granted in this Power of Attorney in any manner.

Any power or authority granted to my Agent under this document shall be limited to the extent necessary to prevent this Power of Attorney from causing, (i) my income to be taxable to my Agent, (ii) my assets to be subject to a general power of appointment by my Agent, or (iii) my Agent to have any incidents of ownership with respect to any life insurance policies that I may own on the life of my Agent.

My Agent shall not be liable for any loss that results from a judgment error that was made in good faith. However, my Agent shall be liable for willful misconduct or the failure to act in good faith while acting under the authority of this Power of Attorney. A Successor Agent shall not be liable for acts of a prior Agent.

No person who relies in good faith on the authority of my Agent under this instrument shall incur any liability to me, my estate or my personal representative. I authorize my Agent to indemnify and hold harmless any third party who accepts and acts under this document.

If any part of any provision of this instrument shall be invalid or unenforceable under applicable law, such part shall be ineffective to the extent of such invalidity only, without in any way affecting the remaining parts of such provision or the remaining provisions of this instrument.

My Agent shall not be entitled to any compensation, during my lifetime or upon my death, for any services provided as my Agent. My Agent shall not be entitled to reimbursement of expenses incurred as a result of carrying out any provision of this Power of Attorney.

My Agent shall provide an accounting for all funds handled and all acts performed as my Agent as required under state law or upon my request or the request of any authorized personal representative, fiduciary or court of record acting on my behalf.

This Power of Attorney shall become effective immediately, and shall not be affected by my disability or lack of mental competence, except as may be provided otherwise by an applicable state statute. This is a Durable Power of Attorney. This Power of Attorney shall continue effective until my death. This Power of Attorney may be revoked by me at any time by providing written notice to my Agent.

\_\_\_\_\_, 2015, at Highland, California. A notary public or other officer completing this certificate verifies only the identity of the individual(s) who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document. STATE OF CALIFORNIA, COUNTY OF SAN BERNARDINO, ss: 6/6/2015 before me, Michael Anderson Cheatham, Notary Public, appeared Vergil Duane Sisson M.D., who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct. WITNESS my hand and official seal. My Commission Explana Camaranca (Notary Seal)

Signature of Notary Public

#### Notice to Person Accepting the Appointment as Attorney-in-Fact:

By acting or agreeing to act as the agent (attorney-in-fact) under this power of attorney you assume the fiduciary and other legal responsibilities of an agent. These responsibilities include:

- 1. The legal duty to act solely in the interest of the principal and to avoid conflicts of interest.
- 2. The legal duty to keep the principal's property separate and distinct from any other property owned or controlled by you.

You may not transfer the principals property to yourself without full and adequate consideration or accept a gift of the principals property unless this power of attorney specifically authorizes you to transfer property to yourself or accept a gift of the principal's property. If you transfer the principals property to yourself without specific authorization in the power of attorney, you may be prosecuted for fraud and/or embezzlement. If the principal is 65 years of age or older at the time that the property is transferred to you without authority, you may also be prosecuted for elder abuse under Penal Code Section 368. In addition to criminal prosecution, you may also be sued in civil court.

I have read the foregoing notice and I understand the legal and fiduciary duties that I assume by acting or agreeing to act as the agent (attorney-in-fact) under the terms of this power of attorney.

Date:

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Signed:

David L Sisson

### Exhibit B

Accusation No. 800-2016-026235

XAVIER BECERRA	FILED	
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Attorney General of California MATTHEW M. DAVIS	STATE OF CALIFORNIA	
Supervising Deputy Attorney General	MEDICAL BOARD OF CALIFORNIA SACRAMENTO SEPTEMBER 6 20 17	
Deputy Attorney General	BY GOLVA POLLON ANALYST	
State Bar No. 309951 600 West Broadway, Suite 1800		
San Diego, CA 92101		
San Diego, CA 92186-5266		
Facsimile: (619) 645-2061		
Attorneys for Complainant		
BEFORE THE  MEDICAL BOARD OF CALIFORNIA  DEPARTMENT OF CONSUMER AFFAIRS  STATE OF CALIFORNIA		
	ON- 900 2016 026225	
	Case No. 800-2016-026235	
Vergil D. Sisson, M.D.  330 North D Street, Suite 300	ACCUSATION	
San Bernardino, CA 92401		
Physician's and Surgeon's Certificate		
Respondent.		
Complainant alleges:		
PAR	TIES	
Kimberly Kirchmeyer (Complainant	) brings this Accusation solely in her official	
Certificate No. C 27156 to Respondent Vergil D. Sisson, M.D. (Respondent). The Physician's		
and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought		
herein and will expire on December 31, 2018, un	niess renewed.	
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	GIOVANNI F. MEJIA Deputy Attorney General State Bar No. 309951 600 West Broadway, Suite 1800 San Diego, CA 92101 P.O. Box 85266 San Diego, CA 92186-5266 Telephone: (619) 738-9072 Facsimile: (619) 645-2061  Attorneys for Complainant  BEFORMEDICAL BOARD DEPARTMENT OF C STATE OF C  In the Matter of the Accusation Against:  Vergil D. Sisson, M.D. 330 North D Street, Suite 300 San Bernardino, CA 92401  Physician's and Surgeon's Certificate No. C 27156,  Respondent.  Complainant alleges:  PAR  1. Kimberly Kirchmeyer (Complainant capacity as the Executive Director of the Medica 2. On or about June 16, 1965, the Medica Certificate No. C 27156 to Respondent Vergil D and Surgeon's Certificate was in full force and enherein and will expire on December 31, 2018, un / / / /	

This Accusation is brought before the Board, under the authority of the following
 laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2227 of the Code states:

"(a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the board, may, in accordance with the provisions of this chapter:

"(1) Have his or her license revoked upon order of the board.

"(2) Have his or her right to practice suspended for a period not to exceed one year upon order of the board.

"(3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the board.

"(4) Be publicly reprimanded by the board. The public reprimand may include a requirement that the licensee complete relevant educational courses approved by the board.

"(5) Have any other action taken in relation to discipline as part of an order of probation, as the board or an administrative law judge may deem proper.

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5. Section 820 of the Code states:

"Whenever it appears that any person holding a license, certificate or permit under this division or under any initiative act referred to in this division may be unable to practice his or her profession safely because the licentiate's ability to practice is impaired due to mental illness, or physical illness affecting competency, the licensing agency may order the licentiate to be examined by one or more physicians and surgeons or psychologists designated by the agency. The report of the examiners shall be made available to the

<sup>&</sup>lt;sup>1</sup> Division 2 of the Code entitled, "Healing Arts."

#### PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Medical Board of California issue a decision:

- 1. Revoking or suspending Physician's and Surgeon's Certificate No. C 27156, issued to Respondent Vergil D. Sisson, M.D.;
- 2. Revoking, suspending or denying approval of Respondent Vergil D. Sisson, M.D.'s authority to supervise physician assistants and advanced practice nurses;
- 3. Taking action as authorized by section 822 of the Code as the Medical Board, in its discretion, deems necessary and proper; and
  - 4. Taking such other and further action as deemed necessary and proper.

DATED: September 6, 2017

KIMBERLY KIRCHMEYER

Executive Director

Medical Board of California

State of California
Complainant